

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

ZACHARY GORDON WHITLEY
TX-1334905-L

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DOCKETED COMPLAINT NO.
09-008

AGREED FINAL ORDER

On this the 21st day of August, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the license of Zachary Gordon Whitley (Respondent).

The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Zachary Gordon Whitley was a Texas state licensed real estate appraiser, holds license number TX-1334905-L, and was licensed by the Board during all times material to the above-noted complaint case. Respondent's license has since expired.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, Tex. Occ. Code Chapter 1103 (Vernon 2007) (the Act), the Rules of the Board, 22 Tex. Admin. Code §§153, 155, 157 (West 2007) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. Respondent appraised 712 Peques Street, San Marcos, Texas ("the Peques property") on or about July 31st, 2008.
4. Thereafter a complaint relating to this real estate appraisal report was filed with the Board. The complaint alleged that Respondent failed to comply with the Uniform Standards of Professional Appraisal Practice in his completion of this report.
5. After receipt of each complaint, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint.
6. Respondent failed to timely respond to the complaint despite several communications advising him of his obligations to do so within twenty days of receipt of notice.

7. The parties hereby enter into the foregoing consent order in accordance with TEX. OCC. CODE § 1103.458.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, Tex. Occ. Code § 1103 et. seq.
2. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(2) by failing to answer inquiries and provide certain documents related to the foregoing complaint as required by 22 TEX. ADMIN. CODE §§ 153.22 and 153.20(a)(2).

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent shall:

- a. Pay to the Board an administrative penalty of \$250.00; and,
- b. Shall comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY DAYS** of the date of this Agreed Final Order.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 19th day of August, 2009.



ZACHARY GORDON WHITLEY

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 19 day of August, 2009, by ZACHARY GORDON WHITLEY, to certify which, witness my hand and official seal.



Notary Public Signature

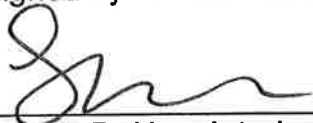
Laura J George

Notary Public's Printed Name



NOTARY WITHOUT BOND

Signed by the Commissioner this 21st day of August, 2009.



Loretta DeHay, Interim Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 21st day of August, 2009.



Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board